



**BOND, SCHOENECK & KING, PLLC**  
ATTORNEYS AT LAW ■ NEW YORK FLORIDA KANSAS

JOHN G. MCGOWAN, ESQ.  
Direct: 315-218-8121  
jmcgowan@bsk.com

December 21, 2006

**VIA ELECTRONIC FILING**

Hon. Gustave J. DiBianco  
U.S. Magistrate Judge  
United States District Court  
Northern District of New York  
100 South Clinton Street  
Syracuse, NY 13261-7367

6:05-CV-00930  
Re: *Spero Haritatos v. Hasbro, Inc. and Toys "R" Us (05-CV-930)*

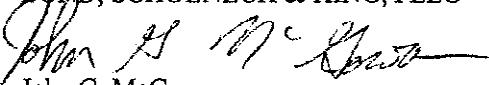
Dear Magistrate DiBianco:

As I am sure the Court is aware, Hiscock & Barclay, acting through Mr. Purcell, has made the unfortunate choice of filing a Notice of Appearance on behalf of Spero Haritatos prior to the Court's ruling on Wall Marjama's motion for leave to withdraw and, astonishingly, prior to Hiscock & Barclay making any motion for leave to withdraw in the matter in which it represents Toys "R" Us in litigation pending in U. S. District Court, Western District of New York.

We view the filing of the Notice of Appearance as blatant forum shopping, in addition to a breach of ethics. Clearly, Hiscock & Barclay is representing Toys "R" Us in the Western District, and now apparently Mr. Purcell thinks that Hiscock & Barclay is free to sue Toys "R" Us in the Northern District, all at the same time. Obviously, we need to move to disqualify Hiscock & Barclay, but given our local Rule 7.1, which requires a conference with the Court before such a motion is made, we are writing to update you on the developing, and now fully developed, situation and to request the required conference.

Respectfully yours,

BOND, SCHOENECK & KING, PLLC

  
John G. McGowan  
Bar Roll No. 501388

cc: James R. Muldoon, Esq.  
Kim T. Landsman, Esq.  
Robert Purcell, Esq.

JGM/pak

This request is granted. A telephone conference is scheduled for Thursday, January 11, 2006, at 11:00 a.m. Attorney McGowan is directed to schedule the conference call with a conference call service, and to place the call to chambers.

**IT IS SO ORDERED.**

December 29, 2006



One Lincoln Center, Syracuse, NY 13202-1355 ■ Phone: 315-218-8000 ■ Fax: 315-218-1000